

# **OPA Purpose, Authority and Procedures Statement**

## **I. PURPOSE**

The purpose of this statement is to set forth the authority of the Director, Office of Professional Accountability, and to establish the procedures used in performing the duties of the position. The primary function of the Director position is to oversee the intake and investigation by the Investigation Section of the OPA of complaints concerning misconduct of employees of the Seattle Police Department. (The Investigation Section has its own set of procedures, which are set forth separately in the Investigation Section Procedures Manual.)

The Director has broad oversight powers that include certifying the completion and findings of completed investigations. In addition, the Director has an advisory and outreach function to assist in identifying and addressing underlying causes of police misconduct and improve public information and trust. The Director reports its oversight, advisory and outreach activity to the public.

## **II. AUTHORITY AND RESPONSIBILITIES OF THE DIRECTOR**

Pursuant to SMC 3.28.700 *et seq.*, the Director shall have the following authority and responsibility:

- A. Oversee the intake and classification of all complaints (citizen and internal) of employee misconduct made to the Office of Professional Accountability.
- B. Investigate any other matter as directed by the Chief of Police.
- C. Oversee the investigation of complaints.
- D. Accept and document complaints directly from citizens as an alternative procedure to contacting the Investigation Section. A complaint form shall be created and utilized by the Director. All such complaints shall be forwarded to the Investigation Section for investigation as soon as possible.
- E. To attend interviews of complainants and citizen witnesses as needed for evaluated and monitoring purposes.
- F. Direct further investigation as deemed appropriate by the Director.
- G. Certify the completion of cases and findings of the Director for the Chief of Police.
- H. Make recommendations for improvements in the complaint process, and on other policies and issues concerning the professional standards of the Department.
- I. Meet with the community to promote and explain the citizen complaint process and get feedback from community members.
- J. Produce at least semiannual reports to the Mayor and City Council describing case review and analysis, policy recommendations, and community outreach efforts.
- K. Maintain the confidentiality of Department files and records as required by applicable law.

## **II. PROCEDURES**

- A. The Director or representative shall be available to accept complaints by members of the community against Seattle Police Department employees. However, the primary avenue of complaint intake remains the Investigation Section of the OPA. The Director, or his representative, shall encourage complainants to contact the Investigation Section directly. Complaints may be accepted in person, by telephone, in writing, or via the Internet. The Director or representative shall follow similar procedures for accepting complaints as followed by the Investigation Section, including:
  - 1. All complaints must be received by the Director within one (1) year after the date of the incident giving rise to the complaint.
  - 2. Use of the complaint form posted on the OPA website will be encouraged but not required. Anonymous complaints will still be accepted.
  - 3. The Director or representative shall forward complaints to the Investigation Section as soon as possible, but no later than two business days after the complaint is received.
- B. The Director or representative shall review complaints proposed by the commander of the Investigation Section for classification as “contact logs.”
  - 1. The Director shall immediately notify the Investigation Section if any of the contact logs are to be re-classified as supervisory referrals, line investigations, or Investigation Section investigations.
  - 2. The Director shall compile, analyze, and report on information contained in contact logs.
- C. The Director shall monitor complaints under investigation as the Director deems necessary. The Director shall have the authority to monitor all aspects of the investigation and, as deemed necessary, to direct through the commander of the Investigation Section, the scope and course of the investigation. The procedures for facilitating the monitoring of investigations are as follows:
  - 1. The Director shall be notified of all complaint investigations.
  - 2. The Director shall be given access to all documents, reports, or other items that relate to the matter under investigation.
  - 3. The commander of the Investigation Section will give regular and timely updates of investigations in progress when requested.
  - 4. The Director may attend interviews of police officers, citizen complainants and/or witnesses by the Investigation Section and may submit questions during interviews.
  - 5. The Director may direct the re-interview of police officers, citizen complainants, and/or witnesses, and/or other or additional investigation.
- D. The Director shall review all investigations forwarded to the Director by the Investigation Section as complete investigations with a disposition proposed by the commander of the Investigation Section. The Director shall certify the completion of the investigation and the OPA disposition. The procedures for facilitating the certification of completed investigations are as follows:
  - 1. Investigations completed by the Investigation Section shall be forwarded to the Director in a timely manner so as to permit a reasonable time for OPA

review and possible additional investigation within the timelines imposed by the current collective bargaining agreement.

2. The Director may direct the re-interview of police officers, citizen complainants, and/or witnesses, and/or other or additional investigation.
3. The Director will consider the input of the line commanders of the subject officers prior to certifying the completion of the case and an OPA finding.
4. The Director may concur, with or without comment, with the proposed disposition of the Investigation Section, and certify the OPA finding for referral to the Chief of Police.
5. The Director may disagree with the proposed disposition of the Investigation Section, and, stating the reasons therefor, certify the OPA finding for referral to the Chief of Police.
6. The Chief of Police will be advised of OPA certified findings on completed investigations. The Chief may accept or reject the OPA certification of sustained cases.<sup>1</sup>
7. The Director will maintain a record of and report on the OPA certification activity.

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<sup>1</sup> Current contract provisions require the Chief's review and approval only of cases with recommended dispositions of "sustained" or "administratively inactivated."



